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Paper No. 19

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In re Application of
LEIJON et al.
Application No. 09/194,560
Filed: March 29, 1999
Attorney Docket No. 66291-163-2

DECISION
ON PETITION

This is a decision on the petition, filed March 22, 2002 requesting that the prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a), and an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.

Regarding a suspension on request of the applicant, 37 CFR 1.103(a) provides:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office

In the Request, to establish cause, Petitioner states that the claims and issues of the instant application are relevant to the claims and issues in at least U.S. Application No. 08/873,019 which Petitioner ultimately intends to appeal. Further, because the appeal of 08/873,019 will materially affect the prosecution of the instant application, the instant application should be suspended pending the decision on appeal of 08/873,019.

A review of the record indicates that the claims and issues of the instant application **are currently** relevant to the claims and issues in U.S. Application No. 08/873,019. However, since the issues of U.S. Application No. 08/873,019 have not yet been presented on appeal to the Board of

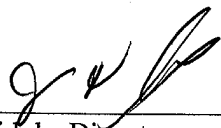
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Patent Appeals and Interferences, the Petition is denied as untimely.

The petition is DENIED.

Inquiries regarding this decision should be directed to Richard Seidel at (703) 306-3431.



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